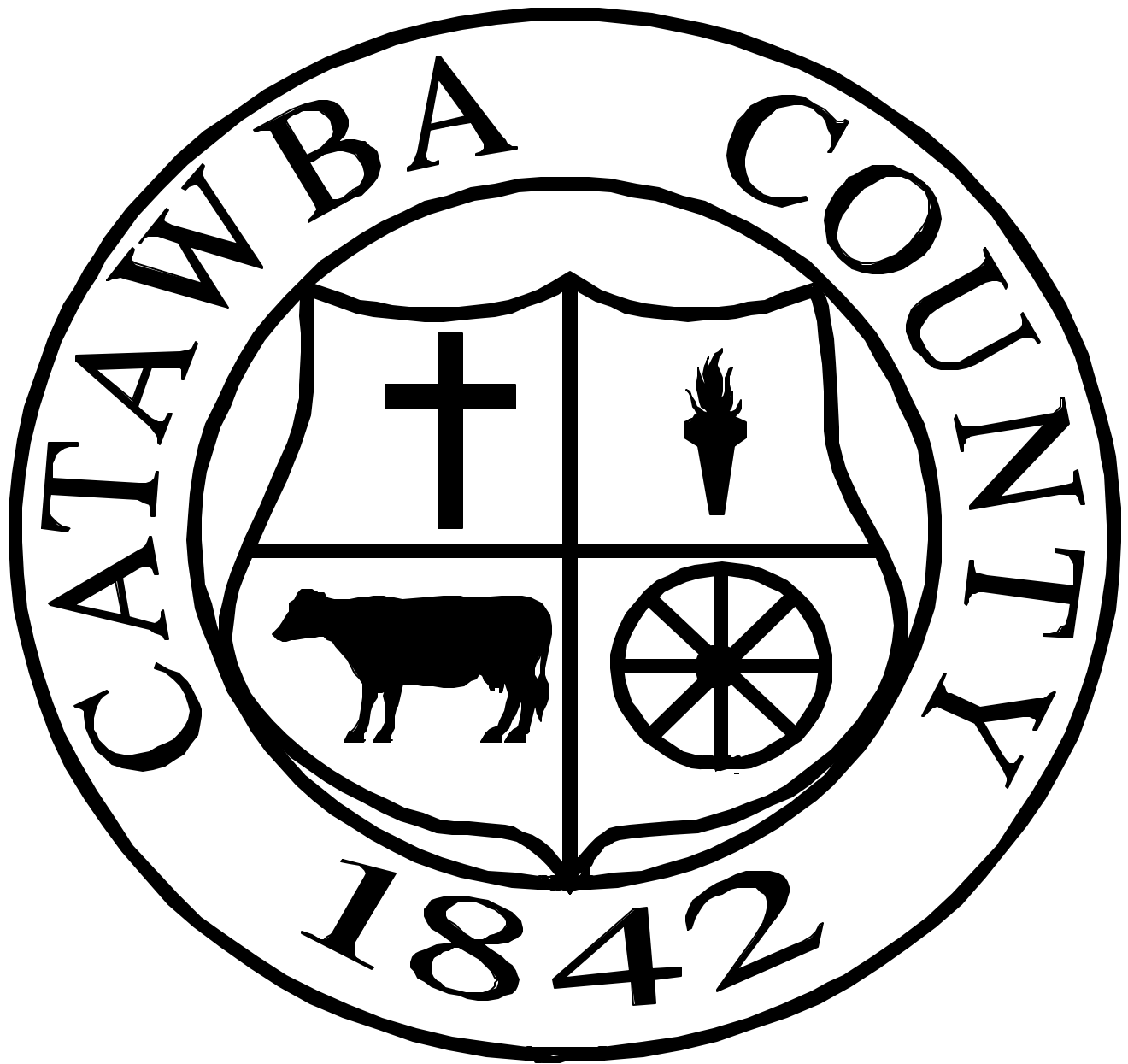


Manufactured Home Parks Ordinance



Current as of 7/01/2003

Chapter 26 MANUFACTURED HOME PARKS*

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***Cross references:** Buildings and building regulations, ch. 8; environment, ch. 16; lakes, waterways and parks, ch. 20; solid waste management, ch. 32; subdivisions, ch. 36; water and sewer, ch. 42; zoning, ch. 44; zoning regulations for manufactured homes, § 44-181 et seq.

State law references: Uniform Standards for Manufactured Homes Act, G.S. 143-144 et seq.; annual registration of manufactured homes authorized, G.S. 153A-138; appearance and dimensional criteria authorized, G.S. 153A-341.1.

ARTICLE I. IN GENERAL

Sec. 26-1. Title.

This chapter shall be known as The Manufactured Home Park Ordinance for Catawba County and may be referred to as "the manufactured home park ordinance."

(Code 1995, § 511.01)

Sec. 26-2. Purpose.

The purpose of this chapter is to:

- (1) Further the orderly layout of manufactured home parks;
- (2) Help secure safety from fire, floods, panic, congestion and other dangers in manufactured home parks;
- (3) Provide for adequate light, air, and open space in manufactured home parks; and
- (4) Ensure that facilities for transportation, parking, water, sewer, and recreation are provided to residents of manufactured home parks within this chapter's jurisdiction.

(Code 1995, § 511.02)

Sec. 26-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the zoning enforcement officer of the county.

Board of adjustment means the county board of adjustment.

Building code means the state building code.

Certificate of occupancy means a permit issued by the zoning administrator certifying that the use of the structures and land is in conformance with provisions of the zoning regulations in chapter 44 and may be occupied.

Construction permit means a permit authorizing the owner or agent to make physical improvements to a piece of property based on a manufactured home park plan that has received preliminary approval.

Cul-de-sac means a permanent dead-end street with an area at the dead end for which to turn around.

Existing approved manufactured home park means a park that is operating within a zone where manufactured home parks are permitted in accordance with the zoning regulations in chapter 44 and that has been operating since before the adoption of the ordinance from which this chapter is derived.

Existing nonconforming manufactured home park means a park that is operating outside of a zone where manufactured home parks are permitted in accordance with the zoning regulations in chapter 44 and that has been operating since before the adoption of the ordinance from which the zoning regulations in chapter 44 are derived or any other previous manufactured home regulations.

Lot includes the word "plot," "parcel," or "tract."

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq. For manufactured homes built before June 15, 1976, the term "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. The term "manufactured home" also means a doublewide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

State law references: Definition of manufactured home, G.S. 143-145.

Manufactured home park means a piece of land held in single or corporate ownership and developed in a unified manner for the placement of three or more manufactured homes to be occupied for living and sleeping purposes.

Manufactured home space means an area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

One-way street means a street intended for traffic to flow in one direction.

Operating permit means a license issued by the administrator to the operator of an approved manufactured home park authorizing the park to conduct business.

Set up means the process of placement of a manufactured home on a manufactured home space and includes the minimum requirements for blocking, wiring, plumbing, and anchoring in accordance with applicable local, state, and federal construction regulations.

Steps means a structural component bonded or fastened as one unit in accordance with the North Carolina Residential Uniform Building Code, volume 1B, section 24, Stairs and Exits, and for the purpose of ingress and egress from manufactured homes.

Street and *road* are synonymous in meaning.

Street jog means an intersection where one-half of the cross street is offset from

the other half of the cross street so that the two halves do not lay in a straight line.

Structure includes the word "building."

Tie down means the process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

Two-way street means a street intended for traffic to flow in two directions.

Used for includes the term "designed for."

Vicinity map means a drawing showing the general location of a manufactured home park within the county.

(Code 1995, § 511.03)

Cross references: Definitions generally, § 1-2.

Sec. 26-4. Compliance.

- (a) *Subdivision regulations.* Where a proposed manufactured home park is planned or the expansion of an existing manufactured home park is planned and the property in question meets the definition of a subdivision as contained in the subdivision regulations set forth in chapter 36, the subdivision regulations must be fully met before the board of adjustment may consider any action on the proposed manufactured home park plan.
- (b) *Zoning regulations.* Where a proposed manufactured home park is planned or the expansion of an existing manufactured home park is planned, no action may be taken by the board of adjustment until official notification has been provided the board by the zoning administrator that the proposed park plan is in accordance with all applicable provisions of the zoning regulations set forth in chapter 44. Specifically, a manufactured home space shall be considered a lot and shall be subject to the school capacity regulations as set forth in table 2C of section 44-88.
- (c) *Other regulations.* Before the planning board may give final approval of a proposed manufactured home park plan or the expansion of an existing manufactured home park or an operating permit may be issued, the applicable regulations of the following agencies must be met and official notification must be given by an authorized agent of the agency to the planning board stating that their agency has reviewed the proposal, that the plan meets their agency's requirements, and that the park or phase of the park under consideration has been constructed to meet these requirements:
 - (1) State department of transportation district engineer as to street entrance and intersection with a state-maintained road.
 - (2) Health department as to approval of all water and sewer systems and solid waste collection.
 - (3) Building inspector as to compliance with all applicable sections of the state building code.
 - (4) Zoning administrator as to compliance with local floodplain regulations.
 - (5) State department of natural resources and community development as to compliance with state soil erosion and sedimentation regulations, where

applicable.

- (6) Any other group the county planning board or the board of adjustment may deem relevant or necessary in order to properly evaluate a proposed plan.

(Code 1995, § 511.04)

Sec. 26-5. Tenant roster.

The operator of every licensed manufactured home park shall be required to maintain an up-to-date tenant roster of all tenants. This roster shall contain the name and address of each tenant residing in the manufactured home park.

(Code 1995, § 511.05)

Secs. 26-6--26-55. Reserved.

ARTICLE II.

ADMINISTRATION AND ENFORCEMENT*

***Cross references:** Administration, ch. 2.

Sec. 26-56. Authority.

This article is adopted under authority granted to counties by G.S. 153A-121 and is intended to promote the general health, safety, and welfare of citizens residing in manufactured home parks within the jurisdiction of this chapter. Enforcement of this chapter is granted to the county under authority of G.S. 153A-123, and violation of this chapter is a misdemeanor as provided by section 1-14.

(Code 1995, § 511.50)

Cross references: Administration, ch. 2.

Sec. 26-57. Jurisdiction.

The regulations contained in this chapter shall govern the approval, construction, and operation of each and every new manufactured home park; the expansion of existing approved manufactured home parks; and the expansion or reopening of parks existing before the formal adoption of manufactured home park regulations in the county. However, this chapter shall not apply within the city limits or extraterritorial planning or zoning areas of any city, town, or municipality within the county unless the city, town, or municipality has formally adopted a motion that this chapter be enforced within its area of jurisdiction and unless and until the board of commissioners has formally adopted a motion that this chapter be enforced within the area of jurisdiction of the city, town, or municipality making the request. Any such agreement between a city, town, or municipality and the county may be repealed by either party upon written notification by either party to the other. Such notice shall carry a minimum 90-day notice to the effective date of the repeal unless otherwise agreed to by both parties.

(Code 1995, § 511.51)

Sec. 26-58. Amendments.

The board of commissioners may amend the sections contained in this chapter, but no amendment shall become effective unless and until such amendment has been reviewed by the planning board. The planning board shall report its recommendations on proposed amendments to the board of commissioners. Before the board of commissioners adopts amendments to this chapter, the board shall hold a public hearing on the proposed amendments. Notice of this public hearing shall be published in a newspaper of general

circulation in the county a minimum of ten days prior to the date of the hearing and shall be published a minimum of two times in successive weeks. The notice shall contain information regarding the proposed amendment and the time, place, and date of the hearing.

(Code 1995, § 511.52)

Sec. 26-59. Enforcement officer.

The enforcement officer for this chapter shall be the same as the zoning enforcement officer of the county.

(Code 1995, § 511.53)

Sec. 26-60. Nonconformance.

Manufactured home parks which have been operating in the county since before the effective date of the ordinance from which this chapter is derived or the previously adopted manufactured home park ordinance (Ord. of 3-30-73) as existing nonconforming uses may continue to operate unaffected by this chapter. If, however, the operating permit should be revoked or if the nonconforming park should cease operation for a period of 90 days, the park shall not reopen until it complies with this chapter and all other applicable state and local regulations. Parks operating as existing nonconforming uses shall not be expanded.

(Code 1995, § 511.54)

Sec. 26-61. Effects on existing parks.

Manufactured home parks that are operating as existing approved parks as of the effective date of the ordinance from which this chapter is derived may continue to operate under the terms of the operating permit unaffected by this chapter. However, the expansion of such park must conform to this chapter. If such park should have its operating permit revoked or should it cease operation for a period of 90 days, the park shall not reopen until it complies with this chapter as well as all other applicable state and local laws.

(Code 1995, § 511.55)

Sec. 26-62. Inspections.

In order to achieve the objectives of this chapter, authorized representatives of all review agencies contained in section 26-29(c) shall be authorized and allowed to enter the property on which a proposed or operating park exists and make such necessary inspections as may be required to enforce this chapter. Inspections shall be made during the regular business hours of the agencies. Failure to permit such inspections may result in delays of plan approval or loss of the operating permit.

(Code 1995, § 511.56)

Sec. 26-63. Loss of operating permit.

Upon issuance of an operating permit to an approved manufactured home park,

the operator of such park is expected to operate the park in such a manner as to comply with this chapter and in accordance with all other applicable state and local regulations. If, upon an inspection made by any of the agencies authorized in section 26-62, a violation of an applicable regulation is found, the agency shall notify the administrator. Upon receipt of this notification, the administrator shall notify the holder of the operating permit of the park of such violation and grant a 30-day grace period in which to correct the violation. If, at the end of 30 days, the administrator and a representative from the agency find corrections have not been made, the operating permit shall be revoked and returned along with the tenant roster within five days to the administrator. The owner may reapply to open and operate the park at a later date; however, the park must meet any changes in this chapter that may be in effect at that time.

(Code 1995, § 511.57)

Sec. 26-64. Notice to tenants.

Upon receipt of the tenant roster by the administrator as provided in section 26-63, notice shall be given to each tenant of the nature of the violation and loss of the permit and what plans should be made to locate and secure other housing within 30 days.

(Code 1995, § 511.58)

Sec. 26-65. Penalty.

Any person who is the owner or developer of a manufactured home park or any person who is the agent of the owner or developer of a manufactured home park within this chapter's jurisdiction who violates any section contained in this chapter shall be given notice of such violation by the administrator and shall be given a maximum of 30 days to correct the violation or be guilty of a misdemeanor in accordance with section 1-14. Each day the violation exists after notice is first given by the administrator shall be considered a separate offense and may be prosecuted in accordance with G.S. 14-4. If at the end of 30 days the violation has not been corrected, the operating permit shall be revoked in accordance with section 26-63.

(Code 1995, § 511.99)

Secs. 26-66--26-90. Reserved.

ARTICLE III.

IMPROVEMENTS; DESIGN STANDARDS

Sec. 26-91. Manufactured home spaces.

- (a) *Placement of homes.* Every manufactured home placed in a manufactured home park shall be placed in a space that has been properly approved and is currently listed on the park operating permit as required by this chapter.
- (b) *Minimum acreage and space design.* Any site, tract of land or lot to be developed as a manufactured home park shall be not less than five acres in area, excluding street rights-of-way. The minimum space design in manufactured home parks shall be determined by the availability of public water and sewer facilities. The following minimum space requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, and the like:

- (1) The minimum space requirements where public water and sewer are available are as follows:

- a. Minimum space size shall be 5,500 square feet.
- b. Minimum space width shall be 50 feet.
- c. Minimum space setback requirements are as follows:
 1. On the street side or front, ten feet.
 2. On sides, ten feet.
 3. On rear or side opposite street, ten feet.

Note: Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

- (2) The minimum space requirements where public or community water is available and a septic system is used are as follows:

- a. Minimum space size shall be 12,000 square feet.
- b. Minimum space width shall be 50 feet.
- c. Minimum space setbacks are as follows:
 1. On street side or front, ten feet.
 2. On sides, ten feet.
 3. On rear or side opposite street, ten feet.

Note: Setbacks shall be measured to the body or box of the

manufactured home and not to the pull structure or hitch on the end of the home.

- (3) Where a public, municipal, or community water or sewer system exists, this chapter requires mandatory connection to such system, if agreements can be acquired from the owner of the system enabling the park to be added to the system.
- (c) *Corners marked.* Each space shall have the front and rear corners clearly marked so that visual establishment of the boundaries of each space can be made. This requirement applies during the inspection and approval phases, and such markers may be removed from a space after it is occupied by a home and has passed all inspections. Reestablishment of corners may be required by authorized inspectors at future times in order that verification of compliance with the requirements of this chapter can be made.
- (d) *Concrete pad.* Each manufactured home space shall be provided at one door location with a concrete pad or a treated wooden deck of a minimum of 100 square feet, which shall be connected to the parking area by an impermeable walkway.
- (e) *Spaces numbered.* Each manufactured home space shall have a permanent number to identify the space. The number shall be visible from the street in front of the space.

(Code 1995, § 511.15)

Sec. 26-92. Street and parking requirements.

- (a) *Access.* The primary access to all manufactured home parks shall be either from a publicly maintained street on the state department of transportation system or shall be from a street that has been properly approved and placed on public record in accordance with the subdivision regulations set forth in chapter 36.
- (b) *Minimum street design.* All streets within a manufactured home park shall be graded and paved with an impermeable material. Minimum pavement widths of streets within manufactured home parks shall be as follows:
 - (1) Two-way street, 20 feet.
 - (2) One-way street, 18 feet.
 - (3) Cul-de-sac, 60 feet.
 - (4) Speed bumps, 200 feet apart with the first bumps being placed within the first 200 feet of street after entering the park.
- (c) *Intersections.* All streets in manufactured home parks shall intersect as nearly as possible at 90-degree angles; however, in no case shall a street intersect another street at less than a 60-degree angle. Street jogs of less than 100 feet shall not be allowed.
- (d) *Culs-de-sac.* All permanent dead-end streets or culs-de-sac shall be marked by a sign as a dead-end or no out. The sign shall be provided, installed, and maintained by the park owner/operator.

- (e) *Parking.* Each manufactured home space shall have a minimum of 400 square feet of parking area. This area may be in the form of off-street parking contained on the space or a parking apron a minimum of nine feet wide parallel to the street. The parking area shall be paved with an impermeable material. If there is off-street parking on the space, a setback of a minimum of four feet shall be required between the edge of the street and the parking area. This drive or setback space shall also be paved with an impermeable material.
- (f) *Drive access to streets outside park.* In no case shall a manufactured home space have direct access to a street or road outside the manufactured home park except through the approved street layout of the park.

(Code 1995, § 511.16)

Cross references: Streets, sidewalks and other public places, ch. 34.

Sec. 26-93. Utility requirements.

- (a) *Generally.* The approval and installation of all utility improvements in a manufactured home park, including but not limited to water, sewer, electricity, and solid waste collection, shall be in accordance with this chapter.
- (b) *Water.* Each and every manufactured home located in a manufactured home park shall be supplied water from either an approved municipal system or an approved public or community water system. Before a final approval and operating permit may be issued to a manufactured home park, the proposed municipal, public, or community water system must be certified by the health department as being installed to meet all state and local regulations. Individual water wells shall not be allowed in manufactured home parks.
- (c) *Sewer.* Each and every manufactured home in a manufactured home park shall be supplied with either a hookup to a municipal or package sewer system or an approved septic tank system. Before final approval and an operating permit may be issued to a manufactured home park, the proposed method of sewage disposal must be certified as being installed to meet all state and local regulations by the health department. If septic tank systems are intended to be used, there shall be a separate tank for each manufactured home space.
- (d) *Electrical hookups.* Each and every manufactured home space in a manufactured home park shall be provided with its own separate metered electrical service. Installation of this electrical service shall be in accordance with the state building code and all other state and local regulations that may apply. Before a final approval or operating permit may be issued to a manufactured home park, the building inspector shall certify that the proposed electrical service has been installed to meet all applicable codes.
- (e) *Streetlights.* Streetlights shall be provided in manufactured home parks in sufficient numbers and spaced accordingly so as to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. Installation of streetlights shall be in accordance with applicable state building codes. Before final approval or an operating permit may be issued to a manufactured home park, the building inspector shall certify that the streetlights installed meet all applicable codes.

- (f) *Solid waste collection.* Solid waste and refuse collection shall be provided in manufactured home parks in accordance with chapter 32 of this Code regulating the storage, accumulation, collection, and disposal of garbage and solid waste in the county. Before final approval or any operating permit may be issued to a manufactured home park, the health department must certify that the proposed method of solid waste collection is in accordance with such chapter.

(Code 1995, § 511.17)

Cross references: solid waste management, ch. 32; water and sewer, ch. 42.

Sec. 26-94. Recreation and open space requirements.

All proposed manufactured home parks must provide a recreational area for its occupants. The minimum requirements shall be ten percent of the total park area up to a maximum of two acres. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.

(Code 1995, § 511.18)

Sec. 26-95. Space preparation and grade.

All manufactured home spaces in proposed parks shall be so prepared and graded that there is a slope of no more than three percent where the manufactured home is to be located.

(Code 1995, § 511.19)

Sec. 26-96. Steps.

All manufactured home spaces in proposed parks shall have a solid, well constructed set of steps for use by tenants. Loosely stacked brick, block, and the like shall not meet the requirements of this section. It shall be the responsibility of the owner of the manufactured home to furnish the steps.

(Code 1995, § 511.20)

Sec. 26-97. Setup; tiedown.

All manufactured homes located in proposed parks shall be set up and tied down in accordance with the state building code and all other applicable state and local codes.

(Code 1995, § 511.21)

Sec. 26-98. Signs.

Manufactured home parks are allowed signs to advertise in accordance with the sign regulations set forth in article XV of chapter 44 of this Code.

(Code 1995, § 511.22)

Cross references: Sign regulations, § 44-946 et seq.

Sec. 26-99. Office.

Manufactured home parks shall be allowed to set aside one space for the placement of an office to conduct the business of operating the park. This office may be of permanent or manufactured construction. Parking, advertising, and the like associated with the office shall be in accordance with the zoning regulations set forth in chapter 44 of this Code.

(Code 1995, § 511.23)

Sec. 26-100. Screening.

All proposed manufactured home parks shall provide a screen or buffer between the park and any developed property adjacent to the park that has visual access to the park. Compliance with this section shall constitute either planting a double row of evergreens staggered a maximum of six feet apart and being a minimum of three feet in height or erection of a fence, screen, and the like a minimum of six feet in height to block visual access. Screens or plantings shall not be required for areas where adjacent development occurs after final approval and the operating permit has been issued by the park operator.

(Code 1995, § 511.24)

Sec. 26-101. Floodplains.

Proposed manufactured home parks shall comply with the floodplain regulations set forth in article XIV of chapter 44 of this Code.

(Code 1995, § 511.25)

Cross references: Flood damage prevention, § 44-836 et seq.

Secs. 26-102--26-130. Reserved.

ARTICLE IV. PLAN APPROVAL; PERMITS

Sec. 26-131. Sketch design plan.

Prior to the preparation of a preliminary plan, the manufactured home park developer may submit an informal sketch to the administrator for review and consultation. The purpose of this review is for the administrator to inform the developer of the requirements in this chapter and to discuss any obvious conflicts with the plan and this chapter in the early stages of development.

(Code 1995, § 511.35)

Sec. 26-132. Preliminary plan requirements.

- (a) The preliminary manufactured home park plan shall be submitted to the administrator a minimum of 30 days prior to the date of the board of adjustment meeting at which the plan will be considered for approval as a special use permit. Prior to consideration of the plan by the board of adjustment, a public hearing shall be held by the board as to the plan's consistency with the requirements of this chapter and the special use general standards as established in section 44-327 of this Code. When an existing manufactured home park is being expanded such that no additional property is being added or the boundaries of the park are not expanded, the preliminary plan shall be reviewed by the planning board as a site plan review process. The preliminary plan shall contain the following:
 - (1) The proposed name of the park.
 - (2) The name of the park developer and his address and telephone number.
 - (3) The outside boundaries of the tract of land on which the park will be built and the approximate bearings and distances of each line.
 - (4) The proposed location of all streets, driveways, open recreational areas, parking areas, service buildings, easements, manufactured home spaces, and existing structures.
 - (5) A vicinity map showing the location of the proposed park in the county.
 - (6) A proposed method of surfacing streets, water and sewer facilities, street lighting, and solid waste collection.
 - (7) The zoning classification of the property.
 - (8) Manufactured home spaces numbered consecutively.
 - (9) Site calculations including approximate total area of the park and approximate area of each space.
 - (10) A north arrow and bar scale.
- (b) The plan shall be drawn at a scale of one inch equals 200 feet or larger.

Sec. 26-133. Preliminary plan approval.

- (a) *Submission of plan.* To acquire preliminary approval for a proposed manufactured home park, the park developer must submit 15 copies of a plan in accordance with section 26-132. There shall be compliance with this section before preliminary approval may be granted by the board of adjustment.
- (b) *Agency review.* The following agencies shall review the preliminary plan and shall certify to the administrator that the proposed design meets the agency's requirements before preliminary approval may be granted:
 - (1) State department of transportation district engineer as to street entrance design and proposed intersection with a state-maintained road.
 - (2) Health department as to proposed water, sewer, and solid waste collection systems design.
 - (3) Building inspection department as to design compliance with all applicable sections of the state building code.
 - (4) Zoning administrator as to design compliance with the floodplain regulations and the zoning regulations set forth in chapter 44.
 - (5) State department of natural resources and community development as to design compliance with the state soil erosion and sedimentation control regulations where applicable.
 - (6) Any other agency the board of adjustment may deem necessary to properly evaluate the design of the proposed work.
- (c) *Preliminary plan review procedure by board of adjustment.* The procedure for preliminary plan review by the board of adjustment is as follows:
 - (1) The board of adjustment shall conduct a public hearing and review the application as a special use permit within 45 days of receipt of all required preliminary agency reviews in subsection (b) of this section. If the board fails to act within this period, the developer may assume that preliminary approval is granted and proceed in accordance with this chapter.
 - (2) In reviewing the preliminary plan, the board shall make findings as to its consistency with this chapter and it meeting the general standards of a special use permit as stated in section 44-327 of this Code. The board of adjustment, in evaluating the special use permit, will also consider the following standards:
 - a. Does the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets?
 - b. Are the size and shape of the site, adaptable to good manufactured home park design?
 - c. Will implementation of the development plan unduly disrupt any natural features of the site such as topography, streams, and the

like?

- (3) The board of adjustment may impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.
- (d) *Notification of preliminary approval.* Upon action by the board of adjustment to act on a proposed plan, the administrator shall notify the developer as shown on the plan of this approval within ten days of the action. The notice shall include any conditions imposed by the board.
- (e) *Procedure for denial of preliminary plan.* Should the board of adjustment decide to deny preliminary approval, the reasons for denial shall be stated in writing, citing the specific section of this chapter upon which it has based this decision. Notification of such action shall be given to the developer shown on the plat by the administrator within ten days of the action by the board of adjustment. The developer may make corrections or changes to the plan and resubmit the plan for preliminary approval.
- (f) *Time limit of approval.* The developer shall have one year after the date preliminary approval is granted to apply for a construction permit. If a construction permit is not applied for in the one-year period, the preliminary approval shall become null and void. The plan must then be resubmitted for preliminary approval to be regranted, and the plan must comply with any changes in this chapter that may have taken effect since the original approval was granted.
- (g) *Appeals of board of adjustment's actions.* Appeals of decisions made by the board of adjustment shall follow the procedures which are established under chapter 2, article IV, division 3 of this Code.

(Code 1995, § 511.37)

Sec. 26-134. Construction permit.

- (a) *Application.* Upon the granting of preliminary approval to a proposed manufactured home park plan, the owner of the proposed park or authorized agent may apply to the administrator for a construction permit. There shall be no fee for this permit; however, this permit will not exempt the owner, agent, or developer from other required permits by other federal, state, or county agencies.
- (b) *Construction of park.* Upon receipt of the construction permit, the owner, agent, or developer may begin with construction of the proposed park in accordance with the approved preliminary plan.
- (c) *Time limits.* The construction permit shall be valid for a period of two years. If, at the end of two years, the developer has not applied for final approval of the plan, the construction permit shall become null and void. The developer may, however, apply to the administrator before the two years expire for a one-year extension of the permit. The administrator shall in no case grant more than one extension. If the construction permit becomes null and void, the plan must be resubmitted and preliminary approval regranted before another construction permit may be granted. The plan must then comply with any changes made in this chapter since the original preliminary approval was granted.
- (d) *Effects on development in stages.* If a plan receives preliminary approval, a

developer may apply for a construction permit for only a portion of the total plan. However, if at the end of one year from the date of preliminary approval the remaining area of the plan has not had a construction permit applied for, the remaining portion of the plan shall lose its preliminary approval status in accordance with subsection (c) of this section.

(Code 1995, § 511.38)

Sec. 26-135. Final plan requirements.

- (a) The final manufactured home park plan shall be submitted to the administrator a minimum of 30 days prior to the date of the planning board meeting at which the plan will be reviewed. The final plan shall be prepared by a registered surveyor or engineer licensed to practice in the state.
- (b) The final plan shall contain the following:
 - (1) The park name.
 - (2) The name of the owner.
 - (3) The exact bearings and distances of the outside boundaries of the tract of land on which the park is built.
 - (4) The location of all streets, driveways, open and recreational areas, parking spaces, and other existing structures.
 - (5) A vicinity map showing the location of the park in the county.
 - (6) A cross section of the construction of the streets, the location of streetlights and location of solid waste collection containers, other than individual spaces.
 - (7) Manufactured home spaces numbered consecutively.
 - (8) Site calculations, including total park area and total area of each manufactured home space.
 - (9) North arrow and bar scale; the plan shall be drawn at a scale of one inch equals 200 feet or larger.
 - (10) The seal and signature of the surveyor or engineer who prepared the plan.

(Code 1995, § 511.39)

Sec. 26-136. Final plan approval.

- (a) *Submission of plan.* To acquire final plan approval for a manufactured home park, the developer must submit 15 copies of the plan in accordance with section 26-135.
- (b) *Agency review.* The following agencies shall review the final plan and shall certify to the administrator that the actual installation of the required improvements of this chapter are physically in place and that they meet the requirements of these respective agencies:
 - (1) State department of transportation district engineer as to street entrance and any intersection with a state-maintained road.

- (2) Health department as to the water, sewer, and solid waste collection system.
 - (3) Building inspection department as to compliance with all applicable sections of the state building code.
 - (4) Zoning inspector as to compliance with the floodplain regulations and the zoning regulations set forth in chapter 44.
 - (5) State department of natural resources and community development as to compliance with the state erosion and sedimentation control regulations.
 - (6) Any other agency the planning board may deem necessary in order to adequately evaluate the proposed final plan.
- (c) *Final plan review; procedure by planning board.* The planning board shall make a decision on a final plan approval within 45 days of the receipt of all required final agency reviews in subsection (b) of this section. If the board fails to act within this time, the owner may request that the board of commissioners review the plan for approval at its next scheduled meeting.
- (d) *Notification of final approval.* Upon action by the planning board to grant final approval to the park plan, the administrator shall notify the owner as shown on the plan of this approval within ten days of the action.
- (e) *Procedure for denial of final plan.* Should the planning board decide to deny final approval, the reasons shall be stated in writing, citing the specific section of this chapter upon which it has based its decision. Notification of such action shall be given the owner as shown on the plat by the administrator within ten days of the action. The owner may make corrections as necessary and resubmit the final plan for approval or the owner may appeal the decision of the planning board to the board of commissioners at its next meeting.
- (f) *Action by board of commissioners.* If the board of commissioners reviews a proposed park plan appeal and overturns the decision of the planning board to deny final approval, the reasons for overturning the decision shall be stated in writing, citing the specific sections of this chapter on which it based its decision. Notification of any decision shall be given to the owner of the park and the chairperson of the planning board within ten days of the action.

(Code 1995, § 511.40)

Sec. 26-137. Operating permit.

Upon action to give final approval to a manufactured home park in accordance with this chapter, the owner or operator of the park may apply to the administrator for a permit to operate the park. The administrator shall issue a certificate of occupancy and operating permit. There shall be no fee associated with this permit; however, this permit shall in no way exempt the owner or operator from any other permits that may be required by federal, state or local laws. This operating permit shall be placed in a conspicuous place in the park and shall be available for inspection upon demand by authorized officials of review agencies in accordance with article II of this chapter.

(Code 1995, § 511.41)